

Goa, 21st December, 1967 (Agrahayana 30, 1889)

SERIES I No. 38

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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/3017/67

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 18th December, 1967 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Weights and Measures (Enforcement) Bill, 1967

(Bill No. 11 of 1967)

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the eighteenth year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, Extent and Commencement. — (1) This Act may be called the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1967.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions. — In this Act unless the context otherwise requires, —

(a) «Commercial weight or measure» means a weight or measure purporting to be a standard weight or measure used in any transaction for trade or commerce;

(b) «Controller and Asst. Controller» means the Controller and Asst. Controller of Weights and Measures appointed under section 18.

(c) «Inspector» means an Inspector of Weights and Measures appointed under section 18;

(d) «Measuring Instrument» means any measuring instrument other than a weighing instrument and includes any instrument used for determining the length, area, volume, capacity, quality, temperature or density of any articles;

(e) «Mint» means any mint established by the Central Government;

(f) «Person» shall be construed to mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, associations, Government Departments, Offices and other Organisations;

(g) «Prescribed» means prescribed by rules made under this Act;

(h) «Reference standards» means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance

of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956.

(i) "Rules" means the rules made under section 47;

(j) "Standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956.

(k) "Sealed package or container" means a closed packet bottle, casket, tin, barrel, case, receptacle, bag, sack, wrapper or other thing in which any article is placed or packed and which is intended to be sold with its contents, without any weight or measurement of such contents at the time of sale;

(l) "Stamp" means a mark for use as evidence of the passing of Weights and measures for use, whether applied by impressing, casting, engraving, etching, branding or by any other means and cognate expressions shall be construed accordingly;

(m) "State Government" means the Administrator appointed to the Union Territory of Goa, Daman and Diu, under article 239 of the Constitution or the Government of Goa, Daman and Diu.

(n) "Use in transaction for trade or commerce" means use for the purpose of determining or declaring the quantity of anything in terms of measurement of length, area, volume, capacity or weight in or in connection with

- (i) any contract, whether by way of sale, purchase, exchange, hire purchase or otherwise; or
- (ii) any assessment of royalty, toll, duty or other dues; or
- (iii) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual House-holds for house-hold purpose.

(o) «Verification» with its grammatical variations and cognate expressions used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;

(p) «Weighing instrument» means any instrument for weighing and includes scales with the weights belonging thereto scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

Standard Weights and Measures

3. Working Standards.—(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce the State Government may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary, to be called the working standards.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purpose of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary Standards.—(1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as it may deem necessary to be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A Secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purpose of this Act.

5. Reference Standards.—The reference standards shall be kept at such places in such custody and in such manner as the State Government may direct.

6. Standard Weighing and measuring instruments.—(1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of standard weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of Weights and measures other than standard weights and measures.—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, to the contrary no unit of mass or measure other than the standard weights or measures shall be used in any transaction for trade or commerce in any area or class of goods

or taking in respect of which this Act has
com force or be kept in any premises where
such tions are usually conducted.

(2) tom, usage, practise, or method of
whatever na which permits in any trade a trader,
seller or buyer to demand, receive or cause to be de-
manded or receive any quantity of article in excess
of, or less than, the quantity fixed by the weight or
measure by which the contract or dealing in respect
of the said article has been made, shall be void.

(3) Any transaction, dealing or contract made or
had after the expiry of three months from the com-
mencement of this Act shall, in so far as it contra-
venes the provisions of sub-section (1) be void.

**8. Power to prescribe the use of Weights only,
or measures only, in certain cases.**— (1) Notwith-
standing anything contained in this Act, the State
Government may, by notification in the Official
Gazette, direct that in any specified trade or class
of trades no transaction, dealing or contract shall be
made or had except by weight only, or except by
measure only.

(2) A notification issued under this section shall
take effect in such area, with effect from such date,
and subject to such conditions, if any, as may be
specified therein.

CHAPTER III

**9. Registration of persons using weights or mea-
sures or weighing or measuring instruments in
transactions for trade or commerce.**— (1) No per-
son shall use any weight or measure or weighing
or measuring instrument in any transaction for trade
or commerce unless he registers himself within the
prescribed period with the Controller and obtain
from him a certificate in token thereof.

(2) Every application for registration under sub-
section (1) shall be made to the Controller and shall
contain such particulars as may be prescribed.

(3) If the Controller is satisfied that an applica-
tion for registration is in order, he shall register the
applicant and issue to the applicant a certificate of
registration in the prescribed form.

CHAPTER IV

Verification and Stamping of Weights and Measures

**10. Marking of denominations on commercial wei-
ghts and Measures.**— Every weight or measure ma-
nufactured for use as a commercial weight or mea-
sure shall bear the description of the weight or mea-
sure which it purports to be marked legibly on it in
such manner as may be prescribed.

**11. Prohibition of sale of unstamped commercial
weights and measures.**— No commercial weight or
measure or weighing or measuring instrument shall
be sold or delivered unless it has been verified or
reverified in accordance with the rules made under
this Act and stamped in the prescribed manner by
an Inspector with stamp of verification.

**12. Prohibition of use of unstamped commercial
weights or measures.**— No weight or measure or
weighing or measuring instruments shall be used in
transactions for trade or commerce unless it has been
verified or reverified in accordance with the rules

made under this Act and stamped in the prescribed
manner by an Inspector with a stamp of verification.

13. Power of State Government to exempt.—
Where the size of a commercial weight or measure
renders it impracticable to have any denomination
marked on it under the provisions of section 10 or
to be stamped under the provisions of section 11 or
section 12, the State Government may, by notifica-
tion in the Official Gazette, exempt such weight or
measure from being so stamped.

**14. Prohibition of manufacturers etc., of weights
and measures without licence.**— No person shall, in
the course of trade, manufacture, repair or sell any
weight or measure or any weighing or measuring
instrument, unless he has obtained in the prescribed
manner a licence in this behalf from the State Go-
vernment or any officer authorised by such Govern-
ment.

**15. Manufacture to submit prototypes of weights,
measures and weighing and measuring instruments.**—
(1) Every manufacturer of any prescribed weight
or measure or weighing or measuring instrument
shall:—

(a) in a case where such weight or measure or
weighing or measuring instrument is being manu-
factured at the commencement of this Act on the
pattern of an existing design, within such period as
may be prescribed;

(b) in any other case, before he commences to
manufacture that weight or measure or weighing or
measuring instrument, submit to the prescribed au-
thority a prototype of the weight or measure or
weighing or measuring instruments, as the case
may be.

(2) Every prototype submitted under sub-section
(1) shall be accompanied by such particulars as may
be prescribed.

(3) The prescribed authority shall after such
examination as it considers necessary, submit a
report to the State Government on the prototype
within the prescribed period.

(4) The State Government may, after considering
the report of the prescribed authority submitted
under sub-section (3), accept the prototype or sug-
gest modifications thereto or reject the same
and shall give intimation to the manufacturer accor-
dingly:

Provided that no modification to the prototype
shall be rejected under this sub-section unless the
manufacturer has been given an opportunity of being
heard in the matter.

(5) Where the State Government has suggested
any modification to the prototype under sub-section
(4), the manufacturer shall not manufacture or
continue to manufacture as the case may be, the
weight or measure of weighing or measuring instru-
ment to which the prototype relates otherwise than
in accordance with that modification.

(6) Where the State Government has rejected any
prototype under sub-section (4), the manufacturer
shall not manufacture or continue to manufacture
as the case may be, the weight or measure or
weighing or measuring instrument to which the pro-
totype relates.

16. Marking of Weights or measures on sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label, securely attached thereto, a description of the net weight or measure of the article contained therein.

Provided that the provisions of this section shall not apply to:

(i) any sealed package or container—

(a) of net weight of less than one hundred and twenty grams, if the sealed package or container contains biscuits, confectionery or sweets; and

b) of net weight of less than sixty grams, if the sealed package or container contains any other foodstuff;

(ii) any other article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure.

Provided further that the State Government may, if it is satisfied that the size of any class of such packages or containers renders it impracticable to comply with the provisions of this section by notification in the Official Gazette, exempt such class from the operation of this section.

17. Prohibition of quoting price, or expressing quantity, of any article otherwise than in terms of standard weight or measure.—No person shall, in any transaction for trade or commerce, quote the price, or express the quantity of any article otherwise than in terms of the standard weight or measure.

18. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the Union Territory of Goa, Daman and Diu and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures may in addition to the power and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

19. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of Weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure of weighing or measuring instrument correct and in conformity with the Standards of Weights and Measures Act, 1956, and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

Central
Act 89 of
1956.

20. Power to Inspect, etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection or verification all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand the net weight or measure of the article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable time, enter into any place where weights, measures, or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

Explanation: — Where any premises is partly used for trade and partly for dwelling purpose, the whole of such premises shall, for the purpose of this sub-section be treated as a place where weights or measures or weighing or measuring instruments are used or are kept for use in transactions for trade or commerce.

21. Power of Inspector to adjust weights or measures. — Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights and measures or weighing or measuring instruments it may, if it thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly.

22. Manufacturers etc. to maintain records and documents. — (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required so to do by an Inspector, shall produce such records and account before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, it may, by order exempt such person or class of persons from the operation of that sub-section.

23. Appeals. — (1) Subject to the provisions of sub-section (2), an appeal shall lie. —

(a) from every decision of Asstt. Controller, and Inspector under this Act, to the Controller; and

(b) from every decision of the Controller under this Act, not being a decision made in appeal under clause (a), to the State Government or any officer specially authorised in this behalf by the State Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision.

(3) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.

24. Levy of fees. — The State Government may charge such fees —

(a) for the grant of licence under section 14, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments; and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments; as may be prescribed.

25. Validity of weights and measures duly stamped. — A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which relevant provision of this Act has come into force unless it is found to be false or defective and shall

not be liable to be restamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER V

Penalties

26. Penalty for sale or delivery by weight or measure other than Standard weights or measures. — Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures or whoever after the commencement of this Act keeps any unit of mass or measure other than the standard weights and measures in any premises where such transactions are usually conducted shall be punishable, for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for sale of unstamped commercial weights and measures. — Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable with fine which may extend to two thousand rupees.

28. Penalty for use of unstamped commercial weights and measures. — Whoever uses in any transaction for trade or commerce or has in his possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence with imprisonment for a period which may extend to three months or with fine, or with both.

Explanation 1: When any such weight or measure or weighing or measuring instruments is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2: Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

29. Penalty for manufacture of weights etc. without licence. — If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 14, he shall be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

30. Penalty for use of weights or measures in contravention of section 8. — Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to two thousand rupees.

31. Penalty for non-registration. — Whoever contravenes the provisions of section 9(1) shall, on conviction, be punished with fine which may extend to fifty rupees.

32. Penalty for contravention of section 15. — Whoever contravenes the provisions of section 15 shall, on conviction, be punished with fine which may extend to two thousand rupees.

33. Penalty for failure to mark weight or measure on sealed containers. — Whoever contravenes the provisions of section 16 shall be punishable with fine which may extend to two thousand rupees.

34. Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 17. — Whoever contravenes the provisions of section 17 shall be punishable with fine which may extend to two thousand rupees.

35. Penalty for fraudulent use of weights, measures etc. — Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall be punishable with imprisonment for a period which may extend to one year, or with fine or with both.

36. Penalty for being in possession of false weight or measure etc. — Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used shall be punishable with imprisonment for a period, which may extend to one year, or with fine or with both.

37. Penalty for making or selling false weight or measure. — Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false in order that the same may be used as true or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

38. Penalty for delivering or receiving any quantity of article less than, or in excess of the quantity fixed by the weight or measure in the contract. — Whoever —

(i) in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article less than; or

(ii) in buying any article by weight or measure demands or receives or causes to be demanded or received from the vendor any quantity of that article in excess of the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made, shall be punishable with fine which may extend to five hundred rupees.

39. Penalty for forging etc. of weights, measures etc. — (1) Whoever forges or counterfeits any stamp

used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall be punished with imprisonment for a period which may extend to six months or with fine, or with both.

40. Penalty for neglect or refusal to produce weight or measure etc. for inspection. — Whoever —

(a) refuses or neglects to produce for inspection or verification under section 20, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises; or

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document on record; or

(c) obstructs the entry of an Inspector under section 20; or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall be punishable with fine which may extend to two thousand rupees.

41. Penalty for breach of duty by Inspector. — If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER VI

Miscellaneous

42. Protection of action taken in good faith. — No suit, prosecution or other legal proceeding shall lie against the Controller or Assistant Controller of Weights and Measures or any Inspector or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

43. Controller etc. appointed under this Act to be public servants. — The Controller, every Assistant Controller and Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

44. Cognizance of offence etc. — (1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a magistrate of first class shall try any offence punishable under this Act.

45. Composition of offences.— (1) Any offence punishable under section 26, section 27, section 28, section 30, section 33, section 38 or section 40 other than a second or a subsequent offence under section 26 or section 28 may, either before or after the institution of the prosecution, be compounded by the State Government on payment of such sum as the State Government thinks fit.

(2) On payment by the offender of such sum, the offender, if in custody, shall be set at liberty and if any proceedings in any criminal court have been instituted against the offender in respect of the offence the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.

46. Stamped weights etc. to be presumed to be correct.— A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

47. Offences by companies.— (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

48. Delegation of Powers.— The State Government may, by notification in the Official Gazette, direct that any power or duty exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions as

may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

49. Limits of error to be tolerated in weights and measures.— Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956, (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated—

(a) in secondary standards referred to in section 4;

(b) in working standards referred to in section 3;

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) weighing and measuring instruments.

50. Power to make rules.— (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) The material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated, the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or re-verification and marking of working standards, the persons by whom the places at which and the intervals at which, they may be marked;

(c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or re-verification and marking of secondary standards and the manner in which they may be marked;

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the manner in which commercial weights and measures may be marked by manufacturers;

(g) the form and manner in which, and the conditions subject to which licenses may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(h) the qualifications, functions and duties generally of Inspectors under this Act;

(i) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified;

(j) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(k) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(l) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(m) the limits of error which may be tolerated in secondary or working standards;

(n) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(o) the limits of error which may be tolerated in selling articles by weights and measures generally or as regards any trade or class of trades;

(p) the form and manner in which appeals may be preferred against decisions of Controller, Assistant Controller and Inspectors and the procedure for hearing appeals;

(q) the fees which may be charged for the grant of licences under section 14 and for verification, re-verification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(r) the material, form and specification and manufacture and sale of commercial weights and measures and weighing and measuring instruments;

(s) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

(5) All rules made under this section shall, as soon as may be, after they are made, be laid before the State Legislature.

51. Repeal and savings.—On coming into force of this Act or any part thereof, in any area or areas, the postures (order of the municipality) of respective municipality as in force of Union Territory of Goa, Daman and Diu shall, to the extent to which they contain any provision which correspond to any provision of this Act, stand repealed in such area or areas.

Provided that such repeal shall not affect:—

(a) the previous operation of the said law or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired accrued or incurred under the said law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said law; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any

such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

Provided further that all appointments made, notifications and notices issued, rules, bye-laws and order made, contracts entered into under any repealed law shall, so far as they are not inconsistent with the provisions of this Act and the Rules, continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertaking, therein in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

Financial Memorandum

A provision of Rs. 1.20 lakhs has been made under Demand No. 21 (Para IV, page 235) of the annual Budget for 1967-68, approved by the Legislature towards implementation of the scheme, Metric System in this Union Territory. The expenditure in this regard is estimated at Rs. 8.00 lakhs during the Fourth Five Year Plan.

Memorandum Regarding Delegated Legislation

Clause 48 of the Bill empowers the State Government by notification in the Official Gazette, to direct that any officer or authority subordinate to the State Government as specified in the notification may exercise any power or duty exercisable by it under this Act or rules made thereunder.

Clause 49 empowers the State Government to prescribe the limits of errors to be tolerated in weights and measures.

Clause 50 empowers the State Government to make Rules to carry out the purpose of the Act.

These powers are of a normal nature so as to facilitate the implementation of the Act within its framework.

Statement of Objects and Reasons

The Standards of Weights and Measures Act, 1956, has standardised the Weights and Measures throughout India, on the basis of the Metric System. This Act has been extended to this Union Territory with effect from 1st November, 1964.

However, there exists no provision in the Act to enable the Union Territory Government to enforce the Standard Weights and Measures. Under the Constitution, the State Legislature is the competent authority to make laws for enforcement of the Weights and Measures. The Central Government, therefore, decided to draft a Model Weights and Measures (Enforcement) Bill in consultation with the State Government, to ensure uniformity in its enforcement. All the States have accepted the Bill and the State Legislatures have enacted it into a law.

The main purpose of the enforcement laws is:—

(i) to specify denominations, shapes, designs and accuracy of Weights and Measures,

used in trade, as well as the capacities, sensitiveness, accuracy and constructional details of weighing and measuring instruments,

- (ii) to lay down procedure for verifying weights, measures and instruments,
- (iii) to prohibit the use of non-standard or false weights, measures and instruments and to prescribe penalties for their use; and
- (iv) to authorise the appointment of Controllers and other Officers for enforcing weights and measures and to define their duties and powers.

The draft Bill embodies the use of Weights and Measures and verification, inspection, seizure and disposal of Weights and Measures.

At the initial stage, the enforcement machinery, is comprised of 5 Inspectorial staff and one Controlling authority. The Ministerial staff consists of one U. D. C., one Steno-typist, one Peon, and five Manual Assistants. It is also necessary to equip adequately the Establishment and the Laboratory in order to ensure proper implementation of the Act.

Panaji,
6th December, 1967.

ANTHONY D'SOUZA
Minister for Law, Industries
and Agriculture.

ASSEMBLY HALL
Panaji,
December 18, 1967

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu